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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,424	06/17/1999	DAVID T. SULCER	04020.P001	7619
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/14/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/336,424

Applicant(s)

SULCER ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the communication received on 20 June 2003.
2. Claims 1-52 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by **Agranat et al. patent no. (U.S. 5,973,696).**
5. As to claim 1, Agranat teaches substantially the invention as claimed, including a method, comprising:

a) receiving a message (Fig. 12, HTTP response message) that was sent from a remote device (Fig. 12, EmWeb server), said message comprising a definition (Fig. 12, Form name), a state change (Fig. 12, default values), and a command (Fig. 12, Submit), (the browser receives a HTTP response message that was sent from an EmWeb server, said message comprising a definition (Fig. 9, item 903, HTML form definition), a state change (Fig. 9, a structure to hold values and status for the sysName INPUT and the Logging SELECTION is created, col. 14, lines 8-23), and a command (the form name will also be used to generate function names for functions which are

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called when the form is served and when the form is submitted, col. 14, lines 8-16)), said definition defining a fixed aspect of a user environment, said state change describing a change in a non-fixed aspect of said user environment, said command being a directive that causes a function (Fig. 12, item 1211a) to be performed (Agranat, col. 16, lines 45-65); and,

b) processing said definition before said state change and said command are processed (Fig. 12, item 1203 before items 1205, 1209, 1211), processing said state change before said command is processed (Fig. 12, items 1203a, 1205, 1207 before item 1209, 1211), and processing said command (Fig. 12, items 1209-1215).

6. As to claim 2, Agranat teaches, wherein said command further comprises an express command (col. 14, lines 32-44).

7. As to claim 3, Agranat teaches, wherein said express command corresponds to a clicking a mouse button (col. 14, lines 32-44).

8. As to claim 4, Agranat teaches, wherein said express command corresponds to hitting an enter key (col. 14, lines 32-44).

9. As to claim 5, Agranat teaches, wherein said express command corresponds to selecting an option from a menu (col. 14, lines 32-44).

10. As to claim 6, Agranat teaches, wherein said command further comprises an instruction command (col. 14, lines 32-44).

11. As to claim 7, Agranat teaches, wherein said instruction command corresponds to getting a form (col. 14, lines 32-44, submitting a form).

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12. As to claim 8, Agranat teaches, wherein said state change corresponds to a new value in a form (Fig. 12, item 1203a with which may alternate default values 1205 with which to fill in the form, col. 14, lines 32-44).

13. As to claim 9, Agranat teaches, wherein said definition corresponds to the definition of a form (Fig. 9, item 911).

14. As to claim 10, Agranat teaches, wherein said processing said definition further comprises updating a definition record associated with a GUI understanding with said definition (col. 13, line 25 – col. 14, line 31).

15. As to claim 11, Agranat teaches, wherein said processing said state change further comprises updating a state record associated with a GUI understanding with said state change (col. 13, line 25 – col. 16, line 7).

16. As to claim 12, Agranat teaches substantially the invention as claimed, including a method executed by a local device (client) that cooperatively operates with a remote device (EmWeb server) in order to implement an application software program, said device separated from said remote device by a network (internet), said method comprising:

a) recognizing that a dependence (Fig. 11, document node, e.g., the presence an EMWEB_STRING tag 1107) on said remote device, said dependence being a need for said remote device to perform some act, said act allowing said application software program to continue to operate (Fig. 11, item 1107; col. 9, lines 3-11; col. 13, line 14 – col. 14, line 31); and

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b) sending a message (Fig. 11, item 1101) to said remote device, said message comprising either a definition (method name, see reply to point A), a state change (Fig. 11, item 1109, dynamic data), a command or some combination thereof, said definition defining a fixed aspect of a said application software program, said state change describing a change in a non-fixed aspect of said application software program, said command being a directive that causes said remote device to perform said act (col. 16, lines 10-44).

17. Claims 13-20 are substantially the same the claims 2-9 and are thus rejected for the reason similar to those in rejection claims 2-9.

18. Claims 21-22 are substantially the same the claim 10 and are thus rejected for the reason similar to those in rejection claim 10.

19. Claim 23 is substantially the same the claim 11 and is thus rejected for the reason similar to those in rejection claim 11.

20. As to claim 24, Agranat teaches, further comprising:

receiving an acknowledgement message (Fig. 11, item 1103) from said remote device, said acknowledgement message comprising either a second definition, a second state change, a second command or some combination thereof; and

processing said second definition (if any) before said second state change (if any) and before said second command (if any) (col. 16, lines 10-44); and

processing said second state change (if any) before processing said second command (if any) (col. 16, lines 10-44).

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21. As to claim 25, Agranat teaches further comprising translating said definition (if any), said state change (if any) and said command (if any) to a GUI (col. 15, line 18 - col. 16, line 44).

22. Claim 26 recites an apparatus corresponding to the method of operation of claim 1. The apparatus claim is taught in that it simply follows the logical implementation of the method of operation indicated in the referenced claims to perform each of logical steps of processing a Form on the network that results from the combination of the references discussed above regarding the claim to the method. Thus, the apparatus described in claim 26 would have been taught in view of the elements provided in the references, which correspond to the steps in the method for the same reasons discussed above regarding claim 1.

23. Claims 27-36 are substantially the same the claims 2-11 and are thus rejected for the reason similar to those in rejection claims 2-11.

24. Claim 37 recites an apparatus corresponding to the method of operation of claim 12. The apparatus claim is taught in that it simply follows the logical implementation of the method of operation indicated in the referenced claims to perform each of logical steps of processing a Form on the network that results from the combination of the references discussed above regarding the claim to the method. Thus, the apparatus described in claim 37 would have been taught in view of the elements provided in the combination of references, which correspond to the steps in the method for the same reasons discussed above regarding claim 12.

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25. Claims 38-50 are substantially the same the claims 13-25 and are thus rejected for the reason similar to those in rejection claims 13-25.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Agranat** in view of well known features of using computer program product stored on a computer readable medium.

28. As to claim 51, Agranat discloses a machine readable medium having stored sequences of instructions which when executed by a processor, cause the processor to perform the method steps of claim 1.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to process a Form on the network. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of message tracking because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

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29. As to claim 52, Agranat discloses a machine readable medium having stored sequences of instructions which when executed by a processor, cause the processor to perform the method steps of claim 12.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to a Form on the network. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of message tracking because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Response to Arguments

30. Applicant's arguments filed on 20 June 2003 have been fully considered but they are not persuasive.

31. In the remark, Applicant argued in substance that

(A) Prior art does not disclose "any of the elements in claim 1".

As to point (A), Agranat teaches "the browser receives a HTTP response message that was sent from an EmWeb server, said message comprising a definition (Fig. 9, item 903, HTML form definition), a state change (Fig. 9, a structure to hold values and status for the sysName INPUT and the Logging SELECTION is created, col. 14, lines 8-23), and a command (the form name will also be used to generate function

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names for functions which are called when the form served and when the form is submitted, col. 14, lines 8-16), said definition defining a fixed aspect of a user environment, said state change describing a change in a non-fixed aspect of said user environment, said command being a directive that causes a function (Fig. 12, item 1211a) to be performed (Agranat, col. 16, lines 45-65); and,

b) processing said definition before said state change and said command are processed (Fig. 12, item 1203 before items 1205, 1209, 1211), processing said state change before said command is processed (Fig. 12, items 1203a, 1205, 1207 before item 1209, 1211), and processing said command (Fig. 12, items 1209-1215).

Agranat also suggests that as another example, a user may fill in a form requesting a database search, the Web browser will send an HTTP request message to the Web server including the name of the database to be search and the search parameters and the URL of the search script. The Web server calls a program or script, passing in the search parameters. The program examines the parameters and attempts to answer the query, perhaps by sending a query to a database interface. When the program receives the results of the query, it constructs an HTML document that is returned to the Web server, which then sends it to the Web browser in an HTTP response message. *Request message in HTTP contain a "method name" indicating the type of action to be performed by the server, a URL indicating a target object (either document or script) on the Web server, and other control information. Response messages contain a status line, server information, and possible data content*. The Multipurpose Internet Mail Extension (MIME) are a standardized way for describing the

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content of messages that are passed over a network. HTTP request and response messages use MIME header lines to indicate the format of the message... (col. 7, line 12 – col. 8, line 24). Agranat also suggests that each element of a form definition is translated by the EmWeb/compiler into a part of a corresponding data structure defined for the form. Forms data is moved into and out of the application by changing values of items in the data structure... The form is given a unique name, using an EMWEB NAME attribute in a FORM tag. The form name becomes part of the structure name, for easy reference and uniqueness. The form name will also be used to generate function names for functions which are called when the form is served and when the form is submitted... The Serve function is called when the form is served and can be used to supply default values, for example, the Submit function is called when the form is submitted, to update values in the data structure, for example (col. 13, line 63 – col. 14, line 44). It is clear that Agranat also suggests in Fig. 11, first, the browser requests a document at a specified URL, using HTTP 1101. The EmWeb server acknowledges the request, in the conventional manner 1103. The EmWeb Server then uses the hash table of the archive header to locate the document requested and begin serving static data from the document 1105. When a document node is encountered, for example denoting the presence of an EMWEB.sub.--STRING tag, then the server passes control to the code fragment 1107a of the application which had been included in the EMWEB.sub.--STRING tag 1107. When the code fragment completes execution and returns some dynamic data 1109, the EmWeb Server then serves that dynamic data to the browser 1111. The EmWeb server then resumes serving any static data remaining in the

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document 1113. This process continues until the entire document, including all dynamic elements have been served (col. 16, lines 28-44).

(B) Prior art does not anticipate or make obvious the subject matter of claim 12.

As to point (B), Agranat discloses a method executed by a local device (client) that cooperatively operates with a remote device (EmWeb server) in order to implement an application software program, said device separated from said remote device by a network (internet), said method comprising:

a) recognizing that a dependence (Fig. 11, document node, e.g., the presence an EMWEB_STRING tag 1107) on said remote device, said dependence being a need for said remote device to perform some act, said act allowing said application software program to continue to operate (Fig. 11, item 1107; col. 9, lines 3-11; col. 13, line 14 – col. 14, line 67); and

b) sending a message (Fig. 11, item 1101) to said remote device, said message comprising either a definition (method name, see reply to point A), a state change (Fig. 11, item 1109, dynamic data), a command or some combination thereof, said definition defining a fixed aspect of a said application software program, said state change describing a change in a non-fixed aspect of said application software program, said command being a directive that causes said remote device to perform said act (col. 16, lines 10-44).

Agranat also discloses another aspect of the invention may be practiced in a computer-based apparatus for developing a graphic user interface for an application, the apparatus including an editor which can manipulate a document written in a mark-up language and a viewer which can display a document written in the mark-up language compiler which recognizes a code tag containing a source code fragment in a native application source code language, the code tag not otherwise part of the mark-up language, the compiler producing as an output a representation in the native application source code language of the document, including a copy of the source code fragment (Agranat, col. 8, line 26 – col. 9, line 54).

Agranat also discloses that, “the EmWeb compiler 107 recognizes a number of special extensions to HTML. The HTML extensions implemented by the EmWeb compiler 107... (col. 12, lines 7-67)”.

(C) The prior art does not disclose “express command which is corresponding to clicking a mouse button or hitting an enter key or selecting an option from a menu” in claims 2-5.

As to point (C), Agranat discloses that, “Currently EmWeb compiler supports TEXT, PASSWORD, CHECKBOX, RADIO, IMAGE, HIDDEN, SUBMIT, RESET, SELECT, and OPTION input fields (col. 14, lines 32-67)”. It would have been obvious to one of ordinary skill in the networking art to have a design choice of any of these input fields for integration of an HTML defined GUI with an application defined in an application source code (Agranat, col. 14, lines 45-67).

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32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

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Any response to this final action should be mailed to:

Box AF

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or faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please
label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

KENNETH R. COULTER
PRIMARY EXAMINER
Kenneth Coulter

Hai V. Nguyen
Examiner
Art Unit 2142
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